

August 2, 2021

The Honorable Thomas A. Varlan  
District Judge  
Suite 143  
800 Market Street  
Knoxville, TN 37902



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Dear Judge Varlan:

This is Carl Patton, Professor Emeritus of Physics, Colorado State University. I am a fairly accomplished national and international leader in the field of Magnetism. I work and collaborate with many international professors, scientists, and students. Many have become key players in US science.

Lately, I have been involved in helping a number of colleagues and their families "under the gun" from the Department of Justice (DOJ) and the FBI under their accelerated persecutions of innocent Chinese and Chinese American professors and scholars under the so-called "China Initiative." I have followed the details of the case of respected Professor Anming Hu and all the trial proceedings. Professor Hu was a brave person to force this ridiculous case to trial. The trial, with all the lies by the FBI people and the outrageous outbursts by the DOJ prosecutors, must have been a great embarrassment. You certainly did the best any judge could do in managing these proceedings. In my view, and that of many others, the final call of a "mistrial" was a foregone conclusion. The fact that the DOJ has just decided to RETRY Professor Hu shows their continuing intent in their un-relenting campaign to punish innocent scientists and professors, essentially, "TO TEACH THESE CHINESE SPIES A LESSON" (as one of the prosecutors screamed out during the trial).

We all, and especially you, have waited patiently for the DOJ to decide on its next move. The facts (and the DOJ) circus) are very clear. I URGE YOU, and I am sure that many others are also urging you, TO THROW THIS CASE OUT. If necessary, Anming will, I am sure, continue to fight. He will do this at tremendous cost in money, time, unnecessary trauma to himself and his family, and damage to his career. Many of us will continue to donate time and money to this important fight for freedom and justice in our country. Unwisely, the DOJ will continue to burden the taxpayers with the tremendous cost, likely running to a million dollars or more, to continue to "beat this horse to death." YOU CAN STOP THIS NOW.

In their press releases on China Initiative cases, the DOJ continues to brag about how many cases they file every day to "bring all these Chinese spies to justice" (paraphrased). There have been many indictments but few convictions. The racial bias has been intense. There have been many careers destroyed and families devastated. The US has lost many creative scientists as well, to our detriment. And as you well know, these affairs are causing many good scientists to go elsewhere, return to China (if, in fact, they are from China), or commit suicide. Sad! This is very harmful to our country and all it stands for.

From my understanding, many Federal Laboratories and most of our prestigious Research Universities are STILL under great pressure from the current DOJ to "catch spies and potential spies working on behalf of the People's Republic of China, and to teach them and others a lesson" (also paraphrased by me). In this particular Anming Hu case, YOU NOW HAVE THE OPPORTUNITY TO TAKE DIRECT ACTION TO HELP END THESE TRAVESTIES. Professor Hu has DONE NOTHING WRONG, and more correctly, HAS DONE EVERYTHING RIGHT, as a respected member of the Faculty at the University of Tennessee, and as a national and international leader in his critical field FOR A VERY LONG TIME. He has interacted and collaborated for many years with colleagues around the world, and has done good science and incredible outreach for his entire professional life. He is not, and never had been anything else but a dedicated and productive scientist in his critical field for the well being of ALL OF US.

It seems to me that in reaction to this threat, the DOJ picked Anming, a mild mannered senior faculty member from the PRC, as vulnerable "low hanging fruit" ripe for persecution and abuse. It is clear that the DOJ and FBI knew when they started and KNOW NOW that their case against Dr. Hu is extremely weak and, more realistically, actually non-credible. Much of the FBI testimony might be a real "joke," EXCEPT FOR THE LIVES IT HAS DEVASTATED. This is why the case under your jurisdiction turned out to be such a farce. You did the best you could do. But the DOJ has persisted. They have persecuted Dr. Hu beyond belief.

Apparently, they have now decided to continue to pursue this circus, for whatever reason none of us can fathom. It does not serve the interests of justice, fairness, or the founding principles of the United States of America. The ONLY reason they can have is to do their best to continue to PUNISH THESE EVIL CHINESE SPIES AND TEACH THEM A LESSON. Even more to the extreme, the DOJ prevailed upon the University of Tennessee at the highest levels to terminate Professor Hu's tenured faculty position and violate one of the basic legal premises of our country, "INNOCENT UNTIL PROVEN GUILTY." At the instigation of the DOJ, Professor Hu continues to be under HOUSE ARREST. This also amounts to continued arbitrary and unwarranted punishment of an innocent and prestigious scientist who has done great good for our country. Why? Again, "TO TEACH THESE EVIL CHINESE A LESSON."

These actions of the DOJ and their intent to "CARRY ON" AT ALL COSTS are scary and incredulous. In the name of academic freedom, democracy, the principle of "innocent until proven guilty," and just basic fairness, I urge you to take positive action in this matter for Dr. Hu and all of us who love the USA and all it stands for. PLEASE THROW THIS CASE OUT NOW. Please put an end to this DOJ/FBI travesty.

Respectfully,

Carl E. Patton  
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Dear Judge

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Under separate cover, I am sending you a copy of Wen Ho Lee's book, *My Country Versus Me*. This is his personal story of his saga with the FBI and DOJ and nearly one year of solitary confinement in prison before exoneration by Federal Judge James Parker in 2000. This is the famous case of the Los Alamos "spy." Please read it. Sadly, this kind of un-American action by the FBI and DOJ continues to this day. Other victims include Qing Wang, Xiaoxing Xi, and Sherry Chen, among many others. You probably also know these cases well. Thank you for your time,  
Carl Patton, August 2, 2021

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University**

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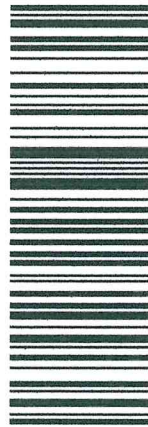


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**The Honorable Thomas A. Varlan**  
**District Judge**  
**Justice Center**  
**Suite 143**  
**800 Market Street**  
**Knoxville, TN 37902**

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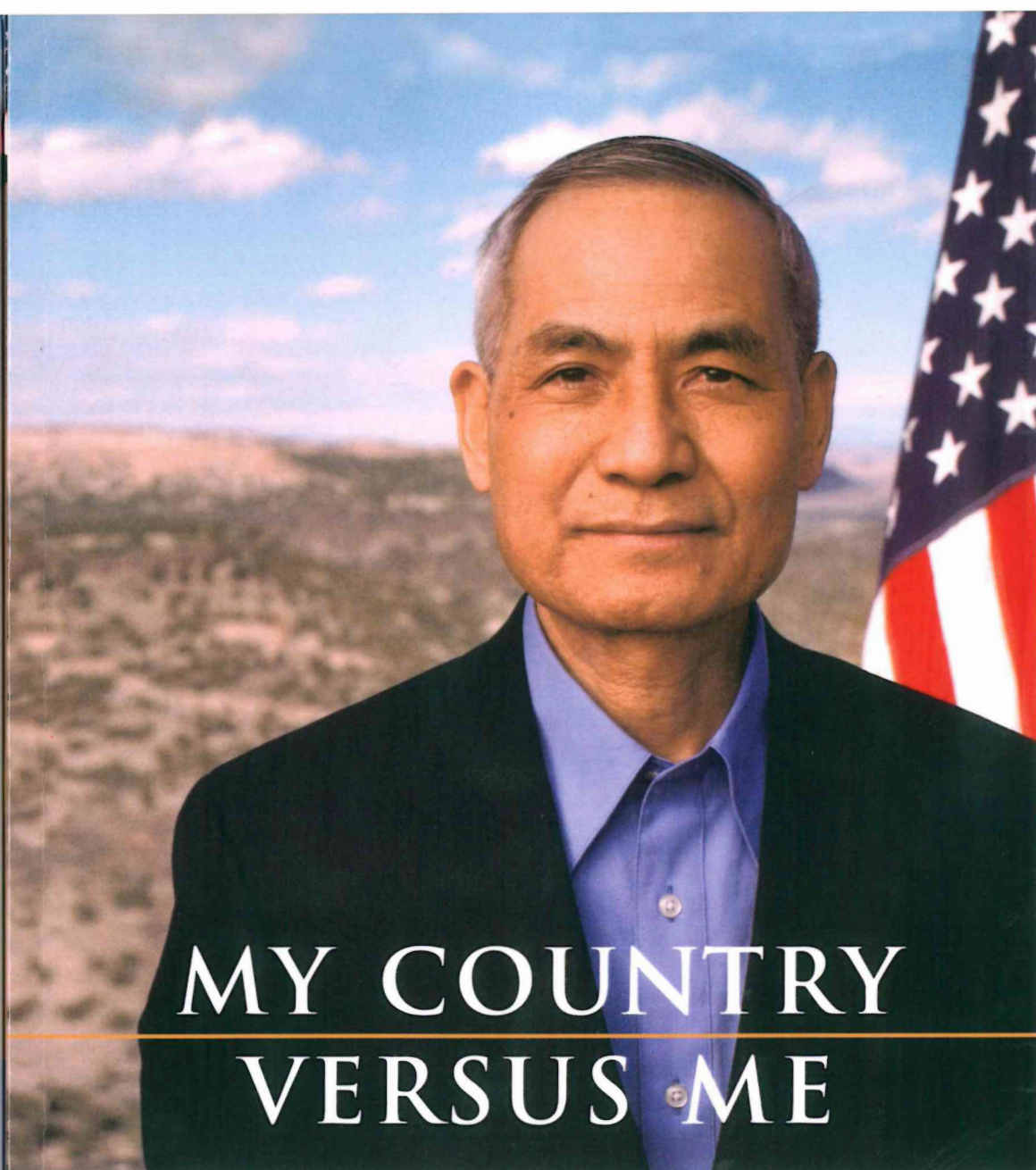
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Clerk, U. S. District Court  
Eastern District of Tennessee  
At Knoxville

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The First-Hand Account by the Los Alamos  
Scientist Who Was Falsely Accused of Being a Spy

WEN HO LEE  
WITH HELEN ZIA